

EXHIBIT 61

CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a)
Colorado corporation;)
ORACLE AMERICA, INC., a)
Delaware corporation and)
ORACLE INTERNATIONAL) Case No.
CORPORATION, a California) 2:10-cv-00106-
corporation,) LRH-PAL
Plaintiffs,)
vs.)
RIMINI STREET, INC., a)
Nevada corporation and)
SETH RAVIN, an)
individual,)
Defendants.)

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Videotaped deposition of JOHN WHITTENBARGER,
taken at 161 North Clark Street, Chicago, Illinois,
on the 27th day of September, 2011, at the hour of
9:35 a.m., taken before Sandra L. Rocca, CSR, CRR.

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1	APPEARANCES OF COUNSEL:	1	EXHIBITS (continued)
2		2	NUMBER PRESENTED
3	FOR THE PLAINTIFF:	3	Deposition Exhibit
4		4	Exhibit 452 RSI00893845 82
5	BOIES, SCHILLER & FLEXNER LLP	5	Exhibit 453 RSI00868930 84
6	By: MR. KIERAN PAUL RINGGENBERG	6	Exhibit 454 RSI01041045 to RSI01041046 85
7	MR. DARIEN M. MEYER	7	Exhibit 455 RSI00832449 to RSI00832451 87
8	1999 Harrison Street, Suite 900	8	Exhibit 456 RSI00859321 to RSI00859326 88
9	Oakland, CA 94612	9	Exhibit 457 RSI03435714 to RSI03435729 95
10	(510) 874-1000/Fax: (510) 874-1460	10	Exhibit 458 RSI00879189 to RSI00879197 100
11	kringgenberg@bsfllp.com	11	Exhibit 459 RSI00844429 to RSI00844430 101
12		12	Exhibit 460 RSI00848447 to RSI00848449 103
13	FOR THE DEFENDANTS:	13	Exhibit 461 RSI00835206 to RSI00835208 105
14		14	Exhibit 462 RSI00832568 to RSI00832570 108
15	SHOOK, HARDY & BACON, L.L.P.	15	Exhibit 463 RSI00859505 to RSI00859508 109
16	By: MR. ROBERT RECKERS	16	
17	JP Morgan/Chase Tower	17	PREVIOUSLY MARKED EXHIBITS
18	600 Travis Street, Suite 1600	18	Exhibit 227 RSI00803958 to RSI00803960 18
19	Houston, TX 77002-2911	19	Exhibit 231 RSI00795075 to RSI00795080 14
20	(713) 227-8008/Fax: (713) 546-5690	20	Exhibit 232 RSI00760902 to RSI00760905 31
21	rreckers@shb.com	21	Exhibit 233 RSI00812295 to RSI00812296 37
22		22	Exhibit 238 RSI00878548 to RSI00878555 68
23	ALSO PRESENT:	23	Exhibit 240 RSI00792718 45
24	Mr. Eric Campbell, Videographer	24	Exhibit 244 RSI02199664 to RSI02199698 69
25		25	Exhibit 246 RSI02379022 to RSI02379023 70
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1	I N D E X	1	VIDEOGRAPHER: My name is Eric Campbell 09:36:87
2	WITNESS PAGE	2	representing Veritext Reporting. The date today is 09:37:29
3	JOHN WHITTENBARGER	3	September 27th, 2011 and the time is approximately 09:37:31
4		4	9:35 a.m. The caption of this case is Oracle 09:37:34
5	EXAMINED BY	5	America, Incorporated versus Rimini Street 09:37:39
6	Mr. Ringgenberg 5	6	Incorporated, et al. The name of the witness is 09:37:41
7		7	John Whittenbarger. 09:37:44
8	EXHIBITS	8	At this time the attorneys will identify 09:37:45
9	NUMBER MARKED FOR ID	9	themselves and the parties they represent, after 09:37:47
10	Deposition Exhibit	10	which our court reporter will swear in the witness 09:37:50
11	Exhibit 440 RSI00921425 to RSI00921444 23	11	and we can proceed. 09:37:53
12	Exhibit 441 RSI03433570 to RSI03433572 27	12	MR. RINGGENBERG: Kieran Ringgenberg and 09:37:54
13	Exhibit 442 RSI02974938 29	13	Darien Meyer of Boies Schiller & Flexner for the 09:37:56
14	Exhibit 443 RSI00792376 to RSI00792398 33	14	Plaintiffs. 09:37:59
15	Exhibit 444 RSI00910567 with 3 attached	15	MR. RECKERS: Robert Reckers of Shook 09:38:00
16	pages 40	16	Hardy & Bacon for the Defendants. 09:38:02
17	Exhibit 445 RSI00846534 to RSI00846540 46	17	JOHN WHITTENBARGER, 09:38:10
18	Exhibit 446 RSI02272564 to RSI02272572 48	18	having been first duly sworn, was examined and 09:38:10
19	Exhibit 447 RSI00795857 to RSI00795858 65	19	testified as follows: 09:38:10
20	Exhibit 448 RSI00832793 to RSI00832795 74	20	EXAMINATION 09:38:11
21	Exhibit 449 RSI00858868 to RSI00858869 77	21	BY MR. RINGGENBERG: 09:38:11
22	Exhibit 450 RSI00833774 to RSI00833775 79	22	Q. Good morning, Mr. Whittenbarger. Did you 09:38:12
23	Exhibit 451 RSI00894743 to RSI00894746 81	23	work for Rimini Street for a time? 09:38:15
24		24	A. I did. 09:38:17
25	(continued)	25	Q. Let me make sure we have the right 09:38:17
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1	fellow.	09:38:21	1	Q. And what other companies have you worked	09:40:21
2	Have you had your deposition taken	09:38:22	2	for in regards to Siebel support consulting?	09:40:22
3	before?	09:38:24	3	A. None others. I was in implementation	09:40:25
4	A. No.	09:38:24	4	before that with a small firm called Fourth Tier	09:40:30
5	Q. So I don't know how much Mr. Reckers had	09:38:25	5	which was acquired by Keane back in '99, I believe.	09:40:35
6	explained the process to you and I'm going to ask	09:38:28	6	Q. And did Fourth Tier help customers	09:40:42
7	you questions. Mr. Reckers may as well, I don't	09:38:31	7	implement Siebel applications?	09:40:46
8	know. You're under oath to answer them. There is	09:38:32	8	A. Yeah.	09:40:48
9	a court reporter who is trying to take down all the	09:38:35	9	Q. You never worked for Siebel directly, is	09:40:48
10	words that are said so it's important that we not	09:38:38	10	that correct?	09:40:55
11	talk over each other. I'll do my best to not cut	09:38:41	11	A. Correct.	09:40:55
12	you off in your answers. It's important you wait	09:38:43	12	Q. And you left Rimini Street towards the	09:40:55
13	till I finish my questions before you begin to	09:38:45	13	end of '08. Why did you leave?	09:41:00
14	answer. Is that fair?	09:38:49	14	A. Just kind of wanted more of a challenge.	09:41:03
15	A. Uh-huh.	09:38:50	15	Support is not really very exciting. So I wanted	09:41:08
16	Q. If at any time the question's not clear,	09:38:50	16	to get back into implementation.	09:41:12
17	just let me know and I'll try to do better to ask a	09:38:51	17	Q. And what are you currently doing today?	09:41:14
18	better question. And if you need to take a break,	09:38:53	18	A. Currently I'm -- I finished a project at	09:41:16
19	just let us know. The one thing you can't do is	09:38:55	19	Abbott Labs. It was a Siebel upgrade project and I	09:41:20
20	take a break with a question pending. So if I ask	09:38:58	20	just about two weeks ago converted to full time	09:41:26
21	you a question, answer it. Then say, hey, I want	09:39:01	21	over there.	09:41:29
22	to take a break.	09:39:04	22	Q. So you were formerly a consultant for	09:41:29
23	A. Uh-huh.	09:39:05	23	Abbott Labs and now you're an employee, is that	09:41:38
24	Q. When did you work for Rimini Street?	09:39:05	24	right?	09:41:35
25	A. I believe June 2006 for about 2-1/2	09:39:09	25	A. Right.	09:41:35
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1	years.	09:39:15	1	Q. In your time at Rimini Street, what --	09:41:36
2	Q. Until roughly the end of '08?	09:39:15	2	what functions did you fill, what were your roles?	09:41:43
3	A. Yeah, that's about right.	09:39:18	3	A. I mean I was hired as a -- as a -- they	09:41:49
4	Q. And how did you come to work at Rimini	09:39:2	4	call it a primary support engineer. So I mean that	09:41:54
5	Street?	09:39:24	5	was -- it was a very small -- I think I was the	09:42:00
6	A. I was called or recruited by Dennis Chiu.	09:39:24	6	number six employee at that time. So we kind of	09:42:03
7	Q. Did you know him from -- before you	09:39:30	7	helped out wherever we could or wherever was	09:42:07
8	worked at Rimini Street?	09:39:34	8	needed. But I primarily stayed within the Siebel	09:42:10
9	A. No.	09:39:35	9	space, you know, anywhere from -- you know the	09:42:15
10	Q. And can you tell me your work history	09:39:35	10	onboarding -- I'm sure you've heard that term --	09:42:21
11	briefly before you started at Rimini Street?	09:39:39	11	and the support of clients and you know, just	09:42:23
12	A. Sure. All the way back from college or	09:39:42	12	helping with business process refinements and that	09:42:30
13	just kind of in the industry?	09:39:47	13	sort of thing around the Siebel support.	09:42:35
14	Q. How about what did you do immediately	09:39:48	14	Q. And to whom did you report when you were	09:42:36
15	before Rimini Street?	09:39:51	15	at Rimini Street?	09:42:39
16	A. I was an independent consultant.	09:39:52	16	A. Initially Dennis Chiu and then later	09:42:40
17	Q. Working on Siebel applications, is that	09:39:53	17	Brian Slepko.	09:42:44
18	correct?	09:39:56	18	Q. And who were the other folks that worked	09:42:46
19	A. Yeah, that's correct.	09:39:56	19	primarily on Siebel in the time that you were at	09:42:55
20	Q. And what other positions have you held	09:39:56	20	Rimini Street?	09:42:58
21	where you had a role with Siebel?	09:40:03	21	A. Let's see. There was Bola, Bola Ola I	09:42:59
22	A. Pretty much always a consultant except	09:40:05	22	think was her name. That's not her full name. But	09:43:07
23	with Rimini Street was -- was as a kind of -- well,	09:40:11	23	a guy named Ibi Ajaya and Kien Phung.	09:43:11
24	the manager role or support, engineer and manager	09:40:17	24	Q. And did they report up through you?	09:43:22
25	in a team.	09:40:20	25	A. Initially they reported to Dennis and	09:43:23
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<p>1 then before after I became the manager, they did 09:43:27</p> <p>2 report to me. 09:43:30</p> <p>3 Q. And when was that transition from when 09:43:31</p> <p>4 you started -- from when you reported to Mr. Chiu 09:43:33</p> <p>5 to when you switched to reporting to Mr. Slepko? 09:43:36</p> <p>6 A. I'm not -- not sure about the date. 09:43:40</p> <p>7 Maybe a year after I started. 09:43:46</p> <p>8 Q. Probably sometime in 2007, is that right? 09:43:49</p> <p>9 A. Probably. 09:43:51</p> <p>10 Q. You mentioned onboarding. What does that 09:43:52</p> <p>11 mean? 09:43:56</p> <p>12 A. That's transitioning a client, a new 09:43:56</p> <p>13 client from vendor support to Rimini Street 09:44:02</p> <p>14 support. 09:44:05</p> <p>15 Q. And typically that was a transition from 09:44:06</p> <p>16 support provided by Oracle to support provided by 09:44:09</p> <p>17 Rimini Street, is that right? 09:44:12</p> <p>18 A. Typically, yeah. 09:44:13</p> <p>19</p>	<p>1</p> <p>13 Q. So Oracle or Siebel had provided a 09:46:38</p> <p>14 website known as Siebel SupportWeb, is that right? 09:46:42</p> <p>15 A. Yeah. 09:46:45</p> <p>16 Q. And it had -- what kind of information 09:46:45</p> <p>17 was in it? 09:46:47</p> <p>18 A. Troubleshooting, text, you know, 09:46:48</p> <p>19 bulletins, alerts, service requests, that sort of 09:46:53</p> <p>20 thing. 09:46:58</p> <p>21</p>
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1	1
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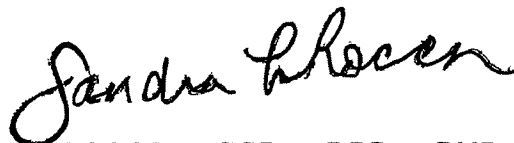
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1 That I am not counsel for nor related to
2 any of the parties herein, nor a relative or
3 employee of such attorney or counsel for any of the
4 parties hereto, nor am I interested directly or
5 indirectly in the outcome hereof.

6 IN WITNESS WHEREOF, I have hereunto set
7 my hand and seal of office this 4th day of October,
8 2011.

9
10 

11 SANDRA L. ROCCA, CSR, RPR, RMR, CRR

12 CSR License No. 084-003435

13 Expires May 31, 2013
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